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ARCD:010

FILE:

November 13, 1995

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:

November 13, 1995

Date

Shelley P.M. Fussey

Assistant Commissioner for Patents
Washington, D.C. 20231

**Re: SN 07/784,222 "METHODS AND COMPOSITIONS FOR THE
DETECTION OF CHROMOSOMAL ABERRATIONS" --
Carol A. Westbrook**

Dear Sir:

Enclosed for filing in the above-referenced patent application is a Supplemental Information Disclosure Statement, a PTO-Form 1449 listing references (A3-A6, B3-B10 and C14-C42) and copies of said references.

No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is hereby authorized to deduct said fees from Arnold, White & Durkee Deposit Account No. 01-2508/ARCD:010/PAR.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

Shelley P.M. Fussey
Reg. No. 39,458

SPMF/kw.03
Enclosures



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1861
ARCO 2010
December 19, 1996

CERTIFICATE OF MAILING 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:

December 19, 1996

Date

David L. Parker

Assistant Commissioner for Patents
Washington, D.C. 20231

Re: SN 07/784,222 "METHODS AND COMPOSITIONS FOR THE
DETECTION OF CHROMOSOMAL ABERRATIONS"
Carol A. Westbrook

RECEIVED
12/19/96

GROUP 1800

Dear Sir:

Enclosed for filing in the above-referenced patent application are the following documents:

1. Declaration under Rule 131, with Exhibits A through D;
2. A postcard evidencing receipt of this material.

An unexecuted copy of the Rule 131 Declaration is submitted, upon verbal approval of the applicant. An executed copy of the Declaration will follow. Please date stamp and return the enclosed postcard.

Assistant Commissioner for Patents
December 19, 1996
Page 2

It is believed that no fees are required for the filing of this Declaration. However, should any fees be deemed necessary for any reason relating to the enclosed materials, the Commissioner is hereby authorized to deduct said fees from Arnold, White & Durkee Deposit Account No. 01-2508/ARCD:010/PAR.

Respectfully submitted,



David L. Parker
Reg. No. 32,165

Attorney for Applicant

PAR/NAK
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Westbrook

Serial No.: 07/784,222

Filed: October 28, 1991

For: METHODS AND COMPOSITIONS
FOR THE DETECTION OF
CHROMOSOMAL ABERRATIONS

Examiner: D. Rees

Group Art Unit: 1807

Atty. Dkt: ARCD-010/PAR

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JAN 15 1991

CERTIFICATE OF MAILING **1800**
37 C.F.R. 1:8

DECLARATION UNDER RULE 131

I, CAROL A. WESTBROOK, HEREBY DECLARE AS FOLLOWS:

1. I am the inventor of the subject matter disclosed and claimed in the referenced patent application.

2. I understand that the Patent and Trademark Office Examiner in charge of examining this application has cited against my application the following patent applications:

Gray et al., "Chromosome-specific staining to detect genetic rearrangements," Canadian patent application CA 2021489, published 1/20/1991.

Gray et al., "Methods and compositions for chromosome-specific staining," European patent application EP 0 430 402, published 5/6/1991.

3. My invention was made and tested in the United States prior to December of 1990, and therefore prior to publication of the cited patent applications by Gray et al.

4. The fact that my invention was made and tested in this country prior to December of 1990 is evidenced by studies set forth in the attached abstract and notebook extracts (Exhibits A-D). Among other things, these Exhibits set forth the following studies which exemplify the practice of my invention:

- a) Isolation and use of the c-Hu-ABL probe (Exhibit A and pages 30-33, 36-44 of Exhibit B);
- b) Isolation and use of the PEM12 probe (Exhibit A and pages 1-8, 14-25, 28, 40-54 of Exhibit C);
- c) Use of the c-Hu-ABL and PEM12 probes in in situ hybridization experiments for detection of chromosomal aberrations in tissue samples and blood cells from patients with leukemia (Exhibit A and pages 1-2, 5-8, 21-24 of Exhibit D).

Each of items a) through c) as represented in the attached Exhibits were carried out in this country prior to December, 1990.

5. All statements made in this Declaration of my own knowledge are true and all statements made in this Declaration on information and belief are believed to be true, and these statements are made with the knowledge that willful false statements and the like are punishable by

fine or imprisonment, or both under 18 U.S.C. §1001 and may jeopardize the validity of this application or any patent issuing thereon.

Date

Carol A. Westbrook

EXHIBITS

Dates have been redacted from the attached Exhibits. Although the original notebooks were not page numbered, page numbers have been added to Exhibits B-D for the convenience of the Examiner.